

TITLE 329 SOLID WASTE MANAGEMENT BOARD

NOTICE OF READOPTION
IC 13-14-9.5-1.1 NOTICE OF RULE REVIEW
 LSA Document #08-331

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#). Certain rules described in [IC 13-14-9.5-1.1](#) do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also notice a public hearing before the appropriate board. IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

[IC 13-14-9-4\(a\)\(5\)](#) THROUGH [IC 13-14-9-4\(a\)\(7\)](#) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. No element of the listed rules imposes either a restriction or requirement on persons to whom the draft rule applies that is not imposed under federal law. These rules are authorized under [IC 13-19-3-1](#), as amended in the 2003 legislative session.

LIST OF RULES

The following is a list of rules in the Indiana Administrative Code Title 329 that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

General Provisions

329 IAC 1-1-1	Applicability of rule
329 IAC 1-1-2	Severability
329 IAC 1-1-3	Savings clause
329 IAC 1-1-4	Reference to federal acts

Solid Waste Land Disposal Facilities

329 IAC 10-1-1	Purpose
329 IAC 10-1-2	Enforcement
329 IAC 10-1-3	Penalties
329 IAC 10-1-5	Variances
329 IAC 10-1-6	Severability
329 IAC 10-2-1	Definitions
329 IAC 10-2-2	"Access road" defined
329 IAC 10-2-3	"Active life" defined
329 IAC 10-2-4	"Active portion" defined
329 IAC 10-2-5	"Adjoining land" defined
329 IAC 10-2-7	"Airport" defined
329 IAC 10-2-7.3	"Alternative water supply" defined
329 IAC 10-2-8	"Anchored mulch" defined
329 IAC 10-2-9	"Annular space" defined
329 IAC 10-2-10	"Applicant" defined
329 IAC 10-2-12	"Aquifer" defined
329 IAC 10-2-13	"Aquifer of significance" defined
329 IAC 10-2-14	"Aquitard" defined
329 IAC 10-2-15	"Areas susceptible to mass movement" defined
329 IAC 10-2-16	"Ash residue" defined

329 IAC 10-2-17	"Assessment ground water monitoring well" defined
329 IAC 10-2-18	"Background ground water data" defined
329 IAC 10-2-19	"Background ground water mean" defined
329 IAC 10-2-19.1	"Background ground water monitoring" defined
329 IAC 10-2-20	"Background ground water quality" defined
329 IAC 10-2-21	"Barrier" defined
329 IAC 10-2-22	"Base flood" or "one hundred year flood" defined
329 IAC 10-2-23	"Bedrock" defined
329 IAC 10-2-23.1	"Bedrock aquifer" defined
329 IAC 10-2-24	"Bird hazard" defined
329 IAC 10-2-25	"Board" defined
329 IAC 10-2-26	"Borehole" defined
329 IAC 10-2-27	"Buried aquifer" defined
329 IAC 10-2-28	"Certificate of insurance" defined
329 IAC 10-2-30	"Closure" defined
329 IAC 10-2-31	"Collection container system" defined
329 IAC 10-2-34	"Composite liner" or "composite bottom liner system" defined
329 IAC 10-2-35	"Confined aquifer" defined
329 IAC 10-2-36	"Construction/demolition site" defined
329 IAC 10-2-37	"Construction/demolition waste" defined
329 IAC 10-2-37.1	"Construction plan" defined
329 IAC 10-2-38	"Construction quality assurance" or "CQA" defined
329 IAC 10-2-39	"Construction quality control" or "CQC" defined
329 IAC 10-2-40	"Container" defined
329 IAC 10-2-42	"Contiguous land" defined
329 IAC 10-2-43	"Contingency action plan" defined
329 IAC 10-2-44	"Continuously flowing river" defined
329 IAC 10-2-45	"Continuously flowing stream" defined
329 IAC 10-2-46	"Corrective action" defined
329 IAC 10-2-47	"Corrective action remedy" defined
329 IAC 10-2-48	"Cover" defined
329 IAC 10-2-49	"Cover storage site" defined
329 IAC 10-2-50	"Current closure cost estimate" defined
329 IAC 10-2-51	"Current post-closure cost estimate" defined
329 IAC 10-2-52	"Daily cover" defined
329 IAC 10-2-54	"Design capacity" defined
329 IAC 10-2-55	"Dike" defined
329 IAC 10-2-56	"Discard" defined
329 IAC 10-2-57	"Discontinuous aquifer" defined
329 IAC 10-2-58	"Disease vectors" defined
329 IAC 10-2-59	"Displacement" defined
329 IAC 10-2-61	"Disposal capacity" defined
329 IAC 10-2-62	"Downgradient ground water monitoring well" defined
329 IAC 10-2-62.1	"Drinking water supply reservoir" defined
329 IAC 10-2-63	"Dwelling" defined
329 IAC 10-2-65	"Environmental protection acts" defined
329 IAC 10-2-66	"Equivalent hydraulic conductivity" defined
329 IAC 10-2-67	"Existing municipal solid waste landfill unit" or "existing MSWLF unit" defined
329 IAC 10-2-68	"Face amount" defined
329 IAC 10-2-70	"Facility boundary" defined
329 IAC 10-2-71	"Factories" defined
329 IAC 10-2-72	"Fault" defined
329 IAC 10-2-72.2	"Final closure certification" defined
329 IAC 10-2-73	"Final cover" defined
329 IAC 10-2-77	"Gas condensate" defined
329 IAC 10-2-78	"Generator" or "generating facility" defined

329 IAC 10-2-78.1	"Generator knowledge" defined
329 IAC 10-2-79	"Geogrid" defined
329 IAC 10-2-80	"Geomembrane" defined
329 IAC 10-2-81	"Geonet" defined
329 IAC 10-2-82	"Geosynthetics" defined
329 IAC 10-2-83	"Geotextile" defined
329 IAC 10-2-84	"Grading" defined
329 IAC 10-2-85	"Ground water" defined
329 IAC 10-2-86	"Ground water monitoring well" defined
329 IAC 10-2-87	"Hauler" defined
329 IAC 10-2-88	"Hazardous waste" defined
329 IAC 10-2-88.5	"Holding time" defined
329 IAC 10-2-89	"Holocene" defined
329 IAC 10-2-90	"Household waste" or "residential waste" defined
329 IAC 10-2-91	"Hydraulic gradient" defined
329 IAC 10-2-91.1	"Incidental disposal" defined
329 IAC 10-2-92	"Incinerator" defined
329 IAC 10-2-93	"Independent ground water sample" defined
329 IAC 10-2-94	"Independent, registered professional engineer" defined
329 IAC 10-2-95	"Industrial process waste" defined
329 IAC 10-2-97	"Infectious waste incinerator" defined
329 IAC 10-2-98	"Intrawell comparison" defined
329 IAC 10-2-101	"Land owner" defined
329 IAC 10-2-102	"Lateral expansion" defined
329 IAC 10-2-103	"Leachate" defined
329 IAC 10-2-104	"Legal description" defined
329 IAC 10-2-105	"Letter of credit" defined
329 IAC 10-2-107	"Lithified earth material" defined
329 IAC 10-2-108	"Lower explosive limit" defined
329 IAC 10-2-110	"Maximum contaminant level" or "MCL" defined
329 IAC 10-2-111	"Maximum horizontal acceleration in lithified earth material" defined
329 IAC 10-2-113	"Monitoring boundary" defined
329 IAC 10-2-114	"Mulch" defined
329 IAC 10-2-118	"Net worth" defined
329 IAC 10-2-119	"New municipal solid waste landfill unit" or "new MSWLF unit" defined
329 IAC 10-2-120	"Nonaquifer material" defined
329 IAC 10-2-121	"Nonmunicipal solid waste landfill" or "non-MSWLF" defined
329 IAC 10-2-122	"Normal water line" defined
329 IAC 10-2-123	"Occupant" defined
329 IAC 10-2-124	"Offices" defined
329 IAC 10-2-125	"On-site" defined
329 IAC 10-2-126	"On-site road" defined
329 IAC 10-2-129	"Operating days" defined
329 IAC 10-2-131	"Owner" defined
329 IAC 10-2-132	"Partial closure" defined
329 IAC 10-2-132.1	"Partial closure certification" defined
329 IAC 10-2-133	"Permit" defined
329 IAC 10-2-134	"Permittee" defined
329 IAC 10-2-135	"Person" defined
329 IAC 10-2-136	"Piezometer" defined
329 IAC 10-2-137	"Pollution control waste" defined
329 IAC 10-2-138	"Poor foundation conditions" defined
329 IAC 10-2-139	"Post-closure" defined
329 IAC 10-2-140	"Post-closure cost estimate" defined
329 IAC 10-2-141	"Potable" defined
329 IAC 10-2-141.3	"Potable ground water source" defined

329 IAC 10-2-142	"Practical quantitation limit" or "PQL" defined
329 IAC 10-2-143	"Processing" defined
329 IAC 10-2-144	"Project engineer" defined
329 IAC 10-2-145	"Public water supply stabilized cone of depression area" defined
329 IAC 10-2-146	"Public water supply system" defined
329 IAC 10-2-147	"Qualified ground water scientist" defined
329 IAC 10-2-147.5	"Quality assurance/quality control" or "QA/QC" defined
329 IAC 10-2-148	"Real property boundary" defined
329 IAC 10-2-150	"Regional aquifer" defined
329 IAC 10-2-152	"Registered professional engineer" defined
329 IAC 10-2-152.5	"Regulated asbestos-containing material" or "RACM" defined
329 IAC 10-2-153	"Regulated hazardous waste" defined
329 IAC 10-2-154	"Remaining disposal capacity" defined
329 IAC 10-2-155	"Remaining facility life" defined
329 IAC 10-2-156	"Residential waste" defined
329 IAC 10-2-157	"Residue" defined
329 IAC 10-2-159	"Restricted waste site" defined
329 IAC 10-2-160	"Road demolition waste" defined
329 IAC 10-2-161	"Run-off" defined
329 IAC 10-2-162	"Run-on" defined
329 IAC 10-2-163	"Salvaging" defined
329 IAC 10-2-164	"Scavenging" defined
329 IAC 10-2-165	"Secondary maximum contaminant level" or "SMCL" defined
329 IAC 10-2-166	"Sedimentation basin" defined
329 IAC 10-2-167	"Seep" defined
329 IAC 10-2-168	"Seismic impact zone" defined
329 IAC 10-2-168.1	"Sensitive environment" defined
329 IAC 10-2-168.2	"Setback" defined
329 IAC 10-2-169	"Significant stratum" defined
329 IAC 10-2-170	"Significant zone of saturation" defined
329 IAC 10-2-171	"Site" defined
329 IAC 10-2-172	"Sludge" defined
329 IAC 10-2-173	"Soil borings" defined
329 IAC 10-2-175	"Solid waste boundary" defined
329 IAC 10-2-176	"Solid waste land disposal facility" defined
329 IAC 10-2-178	"Solid waste processing facility" defined
329 IAC 10-2-180	"Statistically significant increase for ground water" defined
329 IAC 10-2-181	"Storage" defined
329 IAC 10-2-182	"Structural components" defined
329 IAC 10-2-183	"Structural fill" defined
329 IAC 10-2-184	"Surety bond" defined
329 IAC 10-2-185	"Surface impoundment" defined
329 IAC 10-2-186	"Surface water" defined
329 IAC 10-2-187	"Surficial aquifer" defined
329 IAC 10-2-188	"Tons per day" defined
329 IAC 10-2-188.1	"Topsoil" defined
329 IAC 10-2-189	"Transfer station" defined
329 IAC 10-2-190	"Trust fund" defined
329 IAC 10-2-191	"Twenty-five year, twenty-four hour precipitation event" defined
329 IAC 10-2-192	"Unauthorized solid waste" defined
329 IAC 10-2-193	"Unit of government" defined
329 IAC 10-2-194	"Unstable area" defined
329 IAC 10-2-195	"Upgradient ground water monitoring well" defined
329 IAC 10-2-196	"Upgradient water quality" defined
329 IAC 10-2-197	"Uppermost aquifer system" defined
329 IAC 10-2-198	"Vertical expansion" defined

329 IAC 10-2-199	"Washout" defined
329 IAC 10-2-200	"Waste management unit boundary" defined
329 IAC 10-2-201	"Waste pile" defined
329 IAC 10-2-202	"Water course" defined
329 IAC 10-2-204	"Water table" defined
329 IAC 10-2-206	"Well cluster" defined
329 IAC 10-2-206.3	"Wentworth grain-size scale" defined
329 IAC 10-2-207	"Wetlands" defined
329 IAC 10-2-208	"Working face" defined
329 IAC 10-2-209	"Zone of aeration" defined
329 IAC 10-2-210	"Zone of saturation" defined
329 IAC 10-2.5-1	Definitions
329 IAC 10-3-4	Exclusion; disposal of wastes that meet restricted waste site Type IV criteria
329 IAC 10-4-1	Purpose
329 IAC 10-4-2	Acts prohibited
329 IAC 10-4-3	Open dumps prohibited
329 IAC 10-4-4	Owner responsibilities
329 IAC 10-5-2	Application requirements
329 IAC 10-5-3	Action on the application
329 IAC 10-6-1	Applicability
329 IAC 10-6-2	Maintenance, monitoring, or correcting nuisance; permittee responsibilities
329 IAC 10-6-3	Elimination of threats to human health or the environment
329 IAC 10-10-3	New and existing municipal solid waste landfill units
329 IAC 10-11-1	Permit requirements
329 IAC 10-11-3	Signatories to permit application and reports
329 IAC 10-11-4.1	Application for vertical expansions
329 IAC 10-12-2	Application review
329 IAC 10-13-2	Issuance procedures; renewal permits
329 IAC 10-13-3	Duration of permits
329 IAC 10-13-4	Effect of permit issuance
329 IAC 10-15-3	Cross-sectional drawing and detail requirements
329 IAC 10-15-4	Hydrogeologic site investigation report
329 IAC 10-15-6	Operational plan
329 IAC 10-15-7	CQA/CQC plan and requirements
329 IAC 10-15-10	Leak detection plan
329 IAC 10-15-11	Leachate contingency plan
329 IAC 10-16-2	Flood plain and floodway siting restrictions
329 IAC 10-16-3	Wetlands siting restrictions
329 IAC 10-16-4	Fault area siting restrictions
329 IAC 10-16-5	Seismic impact zone siting restrictions
329 IAC 10-16-6	Underground mine siting restrictions
329 IAC 10-16-7	Unstable area siting restrictions
329 IAC 10-16-9	Aquifer siting restrictions
329 IAC 10-16-10	Endangered species siting restrictions
329 IAC 10-16-13	Closure of existing municipal solid waste landfill units
329 IAC 10-17-1	Applicability
329 IAC 10-17-3	Landfill subgrade; design, construction, and quality assurance/quality control requirements
329 IAC 10-17-4	Soil component of the liner; design requirements
329 IAC 10-17-5	Soil component of the liner; construction and quality assurance/quality control requirements
329 IAC 10-17-6	Geomembrane component of the liner; design requirements
329 IAC 10-17-8	Drainage layer component and leachate collection pipes; design requirements
329 IAC 10-17-10	Geosynthetic clay component of the liner; design, construction, and CQA/CQC requirements
329 IAC 10-17-11	Protective cover component of the liner; design requirements
329 IAC 10-17-13	Optional drainage layer filter; design requirements

329 IAC 10-17-14	Optional drainage layer filter; construction and quality assurance/quality control requirements
329 IAC 10-17-15	Alternative liner designs; construction technologies, and CQA/CQC plans
329 IAC 10-17-16	Municipal solid waste landfill liner system; post construction care requirements
329 IAC 10-17-17	Municipal solid waste landfill liner system; test standards
329 IAC 10-20-1	Access control
329 IAC 10-20-2	On-site roads
329 IAC 10-20-4	Sanitation
329 IAC 10-20-6	Salvaging
329 IAC 10-20-7	Safety requirements
329 IAC 10-20-9	Open burning
329 IAC 10-20-10	Waste deposit and compaction
329 IAC 10-20-14	Daily and intermediate cover requirements
329 IAC 10-20-15	Cover storage sites and borrow pits requirements
329 IAC 10-20-16	Grading and soil stabilization for intermediate cover and final cover
329 IAC 10-20-17	Explosive gases
329 IAC 10-20-18	Surface leachate control
329 IAC 10-20-19	Liner leak detection program
329 IAC 10-20-21	Leachate recycling
329 IAC 10-20-23	Control program for regulated hazardous waste, PCB waste, and unauthorized solid waste
329 IAC 10-20-25	Air criteria
329 IAC 10-20-27	Liquids restrictions
329 IAC 10-21-3	Duration of monitoring program
329 IAC 10-21-5	Preoperational requirements pertaining to the ground water monitoring program
329 IAC 10-21-11	Ground water protection standards
329 IAC 10-21-12	Public notice for corrective action
329 IAC 10-22-1	Performance standard
329 IAC 10-22-4	Initiation of final closure
329 IAC 10-22-9	Areas of MSWLFs closing prior to the effective date of this rule
329 IAC 10-22-10	Additional final cover requirements
329 IAC 10-23-1	Performance standard
329 IAC 10-23-5	Responsibility after post-closure to correct nuisance
329 IAC 10-23-6	Elimination of threats to human health or the environment after post-closure
329 IAC 10-23-7	Remedial action
329 IAC 10-39-4	Multiple facilities
329 IAC 10-39-5	Joint financial responsibility for closure and post-closure
329 IAC 10-39-6	Release of financial responsibility obligations
329 IAC 10-39-8	Penalty for failure to fund financial responsibility
329 IAC 10-39-11	Release of financial responsibility obligations

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on specific rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany such comments.

Mailed comment should be addressed to:

#08-331 (SWMB) [IC 13-14-9.5-1.1](#) Rule Review

Janet Pittman

Rules, Outreach, and Planning Section

Office of Land Quality

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204-2251

Hand delivered comments will be accepted by the IDEM receptionist on duty at the eleventh floor reception desk, Office of Land Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may also be submitted by facsimile to the IDEM fax number at (317) 232-3403, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling Janet Pittman in the Rules, Outreach, and Planning Section at (317) 232-8922.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by June 20, 2008.

Additional information regarding this action may be obtained from Lydia Kuykendal, Rules, Outreach, and Planning Section, Office of Land Quality, (317) 234-5354 or (800) 451-6027 (in Indiana).

Bruce H Palin
Assistant Commissioner
Office of Land Quality

Posted: 05/21/2008 by Legislative Services Agency

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